

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

UNITED STATES OF AMERICA,  
v.

GEORGE AREF NADER,

Defendant.

Case No. 1:19-CR-201

The Honorable Judge Brinkema  
**Hearing Requested**

**DEFENDANT GEORGE NADER'S  
SECOND MOTION FOR COMPASSIONATE RELEASE**

Defendant George Nader, by his attorneys, moves this Honorable Court for an Order granting him Compassionate Release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). Mr. Nader renews his motion now because of the recent, and spreading, outbreak of COVID-19 in the Alexandria Detention Center (“ADC”).<sup>1</sup> Given Mr. Nader’s age, heart disease, and other conditions, he is within the sliver of ADC’s inmate population at the highest at risk for severe COVID-19 complications. He therefore respectfully requests that he be released to home detention, where he can self-isolate and protect himself from infection.<sup>2</sup>

On December 7, 2020, Mr. Nader filed a Motion for Compassionate Release (ECF Nos. 208, 209), citing his high susceptibility to very serious illness, or even death, if infected with COVID-19. This Court denied that Motion on December 9, 2020 (ECF No. 212). In denying Mr. Nader’s Motion, this Court wrote, “[a]lthough the Court recognizes that defendant has health conditions that put him at a greater risk of severe illness from Covid-19, defendant is presently incarcerated in the Alexandria Adult Detention Center. The Court understands that at this time

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<sup>1</sup> Mr. Nader also incorporates his first Motion for Compassionate Release (ECF Nos. X, X) as if restated herein.

<sup>2</sup> As noted in Mr. Nader’s first Motion, Mr. Nader owns a condominium in the Washington, D.C. area at which he safely serve a period of home confinement with electronic monitoring.

there are no reported infections among inmates and staff, and the facility has had an outstanding record of preventing any spread of the infection when a rare case among either prisoners or staff members has occurred.” *Id.* at 2.

Unfortunately, given the recent extreme spread of COVID-19 in the United States, and in the Virginia region surrounding ADC in particular, ADC, despite its best efforts and its strong track record preventing the spread of the virus, is now suffering a severe COVID-19 outbreak.

According to ADC’s December 28, 2020 press release, on December 19, 2020, two inmates at ADC tested positive for COVID-19.<sup>3</sup> By December 28—just nine days later—that number had increased ten-fold, with a total of 20 positive inmate cases.<sup>4</sup> As the *Washington Post* reported last week, ADC “previously had kept the virus at bay by isolating five inmates who tested positive upon arrival. But after an inmate who had been jailed since before the pandemic developed symptoms, testing revealed an outbreak.”<sup>5</sup> Sheriff Lawhorne explained, “as the criminal justice system started operating more normally and inmates began coming and going for court dates, it’s been harder to isolate everyone.”<sup>6</sup> Employees at ADC have tested positive, too, but Sheriff Lawhorne “declined to say how many for security reasons.”<sup>7</sup> All attorney phone calls and video visitation have been suspended through at least January 2, 2020. All court appearances involving ADC inmates have been canceled.

The recent spread at ADC was likely inevitable, given the resurgence of the virus in the region surrounding the facility. Northern Virginia surpassed 100,000 cases over this past

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<sup>3</sup> <https://www.alexandriava.gov/sheriff/default.aspx?id=119464> (last visited Dec. 31, 2020).

<sup>4</sup> *Id.*

<sup>5</sup> [https://www.washingtonpost.com/local/large-scale-study-will-track-virus-spread-vaccination-rates-in-washington-region/2020/12/22/0bb97396-446e-11eb-975c-d17b8815a66d\\_story.html](https://www.washingtonpost.com/local/large-scale-study-will-track-virus-spread-vaccination-rates-in-washington-region/2020/12/22/0bb97396-446e-11eb-975c-d17b8815a66d_story.html) (last visited Dec. 31, 2020).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

weekend and recorded a record daily high of 1,436 cases on Sunday, December 27<sup>th</sup>.<sup>8</sup> It took until September 25, 2020 (about 6.5 months into the pandemic) for Northern Virginia to reach 50,000 cases, but just another three months to report the next 50,000.<sup>9</sup> Further, cases rose in Virginia after the Thanksgiving holiday; if the Christmas holiday generates similar increases, those numbers could increase even higher than the peaks they reached this past week.<sup>10</sup> Dr. Anthony Fauci recently predicted a post-holiday “surge” and said that he expects the worst is yet to come.<sup>11</sup> Employees at ADC go back and forth from the community into ADC every day. Despite all of ADC’s best efforts, when the community outbreak is as severe as it currently is, further spread is inevitable.

As this Court recognized in denying Mr. Nader’s first Motion for Compassionate Release, he is “at a greater risk for severe illness” if he contracts the virus. Order (ECF No. 212) at 2. Mr. Nader incorporates here his first Motion for Compassionate Release (ECF Nos. 208, 209), and thus will not repeat the entirety of his medical conditions and the medical experts’ opinions on those conditions here. However, it is worth noting again that Mr. Nader is 61 years old, suffers from progressive coronary artery disease (for which he underwent triple-bypass surgery in April 2019, just prior to his arrest), has hypertension, high cholesterol, and diabetes. If the spreading ADC outbreak reaches him, his odds of serious illness, or even death, are quite high, given his multiple chronic conditions. This is an “extraordinary and compelling” reason for compassionate release.

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<sup>8</sup> [https://www.insidenova.com/headlines/northern-virginia-surpasses-100-000-covid-19-cases/article\\_7d4da096-4918-11eb-b2fd-ef333165able.html](https://www.insidenova.com/headlines/northern-virginia-surpasses-100-000-covid-19-cases/article_7d4da096-4918-11eb-b2fd-ef333165able.html) (last visited Dec. 31, 2020).

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> [https://www.cnn.com/world/live-news/coronavirus-pandemic-vaccine-updates-12-27-20/h\\_c8810a4ee2b923e6c70ebe1f2994be87](https://www.cnn.com/world/live-news/coronavirus-pandemic-vaccine-updates-12-27-20/h_c8810a4ee2b923e6c70ebe1f2994be87) (last visited Dec. 31, 2020).

As this Court stated in its Order denying his initial Motion for Compassionate Release, Mr. Nader has served just over 18 months of his 10-year sentence. Though this is less than half of Mr. Nader's sentence, this Court did not intend for Mr. Nader to risk serious illness or death as a part of that sentence, as the Court made clear. *See* ECF No. 202, Sentencing Tr. at 13 (June 26, 2020). (This Court, at Mr. Nader's initial sentencing, acknowledged Mr. Nader's serious health issues and the danger posed by COVID-19, stating: "Well, as you know, I mean, your client, once he's in the custody of the Bureau of Prisons, can certainly try to take advantage of the statutes that now provide for compassionate release."). At the time of Mr. Nader's sentencing, there were no active COVID-19 cases in ADC. Cases in Northern Virginia were infinitesimal as compared to now—as of June 21, 2020, the Sunday before Mr. Nader's sentencing, Northern Virginia reported 225 new COVID-19 cases, as compared to 1,436 this past Sunday.<sup>12</sup> *See also Woodard v. United States*, No. 2:12-cr-105, 2020 WL 3528413 (E.D. Va. Jun. 26, 2020) ("retaining him in prison simply to serve a higher percentage of his sentence at the risk of increasing his exposure to a fatal viral infection does *not* serve the § 3553(a) factors . . . .").

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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<sup>12</sup> [https://www.insidenova.com/news/special/coronavirus/new-cases-of-covid-19-drop-in-northern-virginia/article\\_a018b08a-b3bc-11ea-be7d-33fc3113f2eb.html](https://www.insidenova.com/news/special/coronavirus/new-cases-of-covid-19-drop-in-northern-virginia/article_a018b08a-b3bc-11ea-be7d-33fc3113f2eb.html) (last visited Dec. 31, 2020).

Given Mr. Nader's extreme vulnerability to COVID-19, the aged nature of his offense conduct, his extremely low likelihood to re-offend, and, now, the active and spreading COVID-19 outbreak at ADC, compassionate release is warranted. Mr. Nader respectfully requests that this Court grant him compassionate release and re-sentence him to a period of home confinement.

### **CONCLUSION**

Mr. Nader is an older man in poor health who is at grave risk of severe illness or death if he contracts COVID-19. He [REDACTED] presents no danger to the public. The Court should grant his motion for compassionate release and reduce his sentence to time served with a lifetime of supervised release, plus a term of home detention under whatever conditions the Court deems appropriate.

Dated: December 31, 2020

Respectfully submitted,

/s/

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*Attorneys for Defendant  
George Aref Nader*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 31, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to counsel of record.

/s/ Jonathan Jeffress  
Jonathan Jeffress